

June 14, 2010

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, June 14, 2010, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson, and Councilors Kaye Holman, Paul Peterson, Wally Taranko, Brent Scott, Wanda Marrison, Pete Engblade, and Gary Castonia.

Absent: None.

Also present were City Manager John Shay, City Attorney Richard Wilson, Police Chief Mark Barnett, Fire Chief Jerry Funk, and City Clerk Deborah Luskin.

Invocation was pronounced by Councilor Engblade.

Pledge to the Flag was given.

Item 7 (b), Approval of Air It Out 3 on 3 Basketball Tournament, for Saturday, July 31st in the west end of Ludington Avenue, was added to the Agenda. Moved by Councilor Castonia, seconded by Councilor Holman, that the Agenda be approved as corrected. Motion Carried.

The meeting was opened for public comments.

After no comments were received, the regular order of business was resumed.

Moved by Councilor Peterson, seconded by Councilor Marrison, to approve the minutes of the regular meeting 05/24/10. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Engblade, that the request from the Ludington Mural Society to post signs for the Annual Home Tour on July 25th and to sell tickets at the clock tower on the day of the tour be approved. Councilor Holman questioned the size of the signs and stated that the number of signs requested does not agree with the diagram presented in the letter. She asked that any future requests be more specific as to size and location of signs. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Castonia, that the request from Air It Out 3 on 3 Basketball to allow a one day basketball tournament on the west end of Ludington Avenue on Saturday July 31st with setup on Friday July 30th be approved. The Children's Museum will be the recipient of the funds from this event. Police Chief Mark Barnett stated that in past years the organizers of this event have placed signs on telephone poles and locations not allowed in the City ordinance. Jackie Steckel, Administrative Assistant to the City Manager will notify the Air It Out Committee to post signs in accordance with the City ordinance. Councilor Taranko questioned whether this event was in conflict with any other summer events. His Honor Mayor Henderson stated that this event had been moved to a different date from their initial request due to a conflict. Motion Carried.

His Honor Mayor Henderson explained that originally there was to be a presentation on wind farms but due to the County Board already rendering their intent on wind farms in Mason County, the City has decided to cancel this presentation.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$552,154.84 for this period be approved and orders drawn according to the City Charter. Motion Carried.

CITY OF LUDINGTON
ORDINANCE NO. 211-10

Short Title: An ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended.

THE CITY OF LUDINGTON ORDAINS:

Section 1.

ARTICLE 1200.2, City Planning Commission shall be amended to read as follows:

ARTICLE 1200.2 CITY PLANNING COMMISSION

SECTION 1200.2:1 Designation. The City Planning Commission is hereby designated as specified in the Michigan Planning Enabling Act, Act 33 of the Public Acts of Michigan of 2008, as amended, and shall perform the duties as provided in this Act together with such other powers and duties as are given by the provisions of this Ordinance.

SECTION 1200.2:2 Membership. The Planning Commission shall consist of a total of nine members, one of whom shall be a member of the City Council to be selected by resolution of the City Council to serve as a member ex officio, and eight of whom shall represent insofar as possible, different professions or occupations who shall be appointed by the Mayor, subject to approval by the majority vote of the City Council. Eight (8) of the nine (9) members shall be qualified electors of the City. All members including the ex officio member shall have the right to vote. All appointed members of the Commission shall hold no other municipal office, or be an employee of the City, except that one of the appointed members may be a member of the Zoning Board of Appeals. Appointed members shall serve staggered three-year terms. All members shall hold office until successors are appointed.

SECTION 1200.2:3 Procedures. The Planning Commission shall elect its chairman from the appointed members, and create and fill such other offices as it may determine. The ex-officio member is not eligible to serve as chairman. The chairman's term shall be one year, with eligibility for re-election. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. The commission shall hold at least one regular meeting each month.(this is not required, only four meetings per year are required) It shall adopt bylaws and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The Planning Commission shall prepare and submit to the City Council an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development.

SECTION 1200.2:4 Expenditures. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council which shall provide the funds, equipment and accommodations necessary for the Commission's work.

SECTION 1200.2:5 Authority. Whenever in this Ordinance the lawful exercise or existence of a use requires the review by the Planning Commission, the Planning Commission is hereby authorized and directed to investigate, to hold required public hearings, and to recommend approval or denial of the request. The Planning Commission is authorized to do all things reasonably necessary to the making of such investigation and recommendation, subject to the provisions of this Ordinance.

SECTION 1200.2:6 Standards for Discretionary Decisions. In making any recommendation or determination authorized by the provisions of this Ordinance and where not otherwise provided, the Planning Commission shall be governed by the following standards:

- (1) The use or activity involved is in accordance with the intent and purpose of this Ordinance.
- (2) The use or activity involved is compatible with adjacent uses of land and the natural environment.
- (3) The use or activity involved is compatible with the capacities of public services and facilities affected by the request.
- (4) The use or activity would not affect the natural or planned drainage system to the detriment of the surrounding neighborhood.
- (5) The use or activity involved would not constitute a public or private nuisance.

SECTION 12.2:7 Capital Improvements Program.

The Planning Commission shall be exempted from the Capital Improvements Program.

SECTION 12.2:8 Removal from Office.

The City Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disclose a potential conflict of interest constitutes a malfeasance in office.

Section 2. Severability: It is the legislative intent of the City Council that all provisions of this Ordinance be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City. Should any provision of this Ordinance or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remainder of this Ordinance shall stand, notwithstanding the invalidity of any such provision thereof.

Section 3. Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date: This ordinance shall take effect twenty (20) days after publication.

Moved by Councilor Englade , seconded by Councilor Holman, that Ordinance No. 211-10 be adopted.

Roll Call: Ayes: Councilors Castonia, Holman, Scott, Taranko, Peterson, Marrison, and Englade.

Nays: None. Motion Carried.

Moved by Councilor Englade, seconded by Councilor Taranko, to approve the Listing Contract with Greenridge Realty to market and sell the City-owned property at 428 East Dowland Street with a listing price of \$95,000. Councilor Englade explained that the City sent out Requests for Proposal to 3 realty companies and that only Greenridge Realty submitted a response. Motion Carried.

Cartier Park Manager Meredith Hanson presented an update on the progress and activity at Cartier Park and was available to answer questions. Meredith Hansen stated that they updated and switched the sewers around at all camp sites. They also scraped down three sites on the island and put down pea gravel along with hydro seeding this area. Picnic tables were replaced where needed and those that were in good condition were cleaned and painted. The vents in the north bathrooms were corrected and water service was put in on the electric sites. There are now 185 sites that are in Cartier Park

but only 180 of these sites are considered to be used. All electrical was changed in the park from 20 amp service to 30 amp service. Crushed asphalt from the City was done last year and this has cut down on the dust.

Meredith Hanson explained that the bath and shower rooms have been vented and updated. She explained that they have people come up and express their appreciation for the cleanliness of these bathrooms. She then recognized her terrific staff at Cartier Park as well as the police officers and the city workers. Councilor Peterson questioned what type of year can be expected of the park this year. Meredith explained that total income is up over last year. There was \$180,000 in revenue last year and through May 2010, revenue is at \$69,000. She has noted that even though there are fewer reservations people are staying longer. People are coming up to Cartier Park one time instead of three times and staying a week to 10 days versus just weekends. His Honor Mayor Henderson expressed appreciation to the Meredith and Dave Hanson and to the staff at Cartier Park. He has not received any complaints. Councilor Castonia also expressed his appreciation to the Hansons for managing the park. Councilor Holman congratulated them on a fine job at the park.

Moved by Councilor Marrison, seconded by Councilor Holman, to approve the Vending Machine Agreement with Jim Foley, West Michigan Candy and Vending. The Agreement states that he will be responsible for all operational and maintenance costs and would assume all risks. He would be able to use the City's electricity for the machines, and would pay the City \$20 per month or 10% of the net proceeds, whichever is greater. Jim Foley was present to answer questions. Councilor Holman questioned Jim Foley as to why he decided to do this. He explained that he was looking for vending locations and the parks are a natural location for vending machines. Councilor Marrison questioned where the vending location would be. Jim Foley explained that there would be one machine at the fish cleaning station at Copeyon Park. Motion Carried.

City Manager John Shay provided an update on the construction on South William Street. This project is almost complete with the contractor adjusting some of the sidewalk width to go around some of the trees on the east side of Loomis Street and Ludington Avenue. The road is expected to be reopened within a week.

His Honor Mayor Henderson reminded the Council to RSVP for the ribbon cutting ceremony of the day dock at the Marina next week

Moved by Councilor ,Engblade seconded by Councilor Castonia, that the meeting be adjourned. So carried at 6:55 p.m.

Deborah L. Luskin, CMC
City Clerk